



State of Utah

Department of Natural Resources

MICHAEL R. STYLER
Executive Director

Division of Oil, Gas & Mining

JOHN R. BAZA
Division Director

JON M. HUNTSMAN, JR.
Governor

GARY R. HERBERT
Lieutenant Governor

July 6, 2005

John Hewitt
Interstate Brick
9780 South 5200 West
West Jordan, Utah 84088

Subject: Tentative Approval to Commence Large Mining Operations, Interstate Brick Company, Allred Mine, M/049/029, Utah County, Utah

Dear Mr. Hewitt:

The Division has completed a review of your latest response regarding your large mine plan which was received April 1 and 11, 2005 respectively. The Division is now prepared to grant tentative approval of the Allred large mining permit application. The formal notice of tentative approval will be published for public comment in the appropriate Salt Lake City and Utah County newspapers (copy attached). This will begin the required 30-day public comment period. If no substantive comments are received during the public comment period, the Division will then be prepared to issue its final approval for this project.

Anyone aggrieved by this tentative decision is advised to file a written protest with this Division setting forth factual reasons why this proposed operation should not be approved. Written objections of substance, received by the Division during the public comment period, will be heard at a formal adjudicative proceeding in accordance with UCA §40-8-13.

Prior to issuing final approval, we require that you provide us with:

1. two clean copies of the complete and corrected plan. When final approval is issued, one copy will be stamped "approved" and returned to you for your records;
2. a \$121,200.00 reclamation surety and Reclamation Contract. Please contact Beth Ericksen at (801) 538-5318 for information regarding submitting the surety. Please provide us with a "draft" copy of the completed reclamation contract and surety form before they are finalized so we can review them for completeness and accuracy.


John Hewitt
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If the required surety and Reclamation Contract are not received prior to the end of the 30-day public comment period (or arrangements made as to when they will be submitted), the Division may withdraw Tentative Approval.

Please be advised that you are not authorized to create any mining related surface disturbance until you have received written final approval from this division, as well as any other agency involved with the permitting process.

Thank you for your cooperation in completing this permitting process. If you have any questions regarding this letter, please contact me at (801) 538-5325 or Lynn Kunzler at 538-5310.

Sincerely,

A handwritten signature in cursive script that reads "Susan M. White".

Susan M. White
Mining Program Coordinator
Minerals Regulatory Program

SMW:LK:jb
Attachment: Public Notice
O:\M049-Utah\M0490029-Allred\final\Tent-apv.doc

BEFORE THE DIVISION OF OIL, GAS AND MINING
DEPARTMENT OF NATURAL RESOURCES
STATE OF UTAH

---ooOoo---

IN THE MATTER OF TENTATIVE	:	
DECISION TO APPROVE A LARGE	:	NOTICE OF TENTATIVE
MINING AND RECLAMATION PLAN	:	DECISION TO APPROVE
FOR INTERSTATE BRICK COMPANY'S,	:	
ALLRED MINE, UTAH COUNTY, UTAH	:	NO. M/049/029

---ooOoo---

THE STATE OF UTAH TO ALL OPERATORS, TAKERS OF PRODUCTION,
MINERAL AND ROYALTY OWNERS, AND PARTICULARLY ALL PERSONS
INTERESTED IN SECTION 9, TOWNSHIP 5 SOUTH, RANGE 1 WEST, SLBM, UTAH
COUNTY, UTAH.

Notice is hereby given by the Division of Oil, Gas and Mining of its tentative decision to approve the Large Mining Operations Notice of Intention for Interstate Brick Company's Allred Mine. Mining activities will affect the following area: portions of the South $\frac{1}{2}$ of the Southwest $\frac{1}{4}$ of Section 9, Township 5 South, Range 1 West, SLBM, Utah County, Utah.

Interstate Brick Company has submitted a permit application to expand an existing small mining project to a large mining operation. Reclamation surety will be provided to the Division for the proposed project disturbance. The operator will employ the following mining and reclamation techniques on approximately 15.6 acres of private land.

During Operations:

Topsoil and overburden will be removed and stockpiled for later reclamation. As the mine progresses, these materials will be direct hauled to reclaim mined out areas. The clay layer is removed with a trackhoe and stockpiled for hauling to the processing plant later on. As the mine advances into the hill in a southwesterly direction, the area will be benched. A safety berm will be constructed at the top of the highwall to prevent access to the active area. An estimated 11,250 cubic yards of material will be mined annually. No air quality permits are required for this operation.

After Operations:

The remaining highwall will be benched and disturbed areas will be regraded. Overburden will be replaced to reduce slopes to a desired 3h to 1v. Topsoil will be replaced at an average depth of seven inches and amended with 10 ton per acre of organic material. Roads no longer needed

for access to the property will be reclaimed by ripping to a depth of 18 inches to eliminate compaction. A thin layer of soil or organic material will be spread over the roughed road. All disturbed areas will be broadcast seeded in the fall with an approved seed mix designed to enhance the intended post-mining land use of grazing and wildlife habitat. There are no surface facilities, ponds, shafts, etc. that would require specialized reclamation plans.

The person representing the company is Mr. John Hewitt; Phone (801) 280-5200. Interstate Brick Company is fulfilling obligations under the Utah Mined Land Reclamation Act of 1975, Utah Code Ann. §40-8-18.

Any person or agency aggrieved by this tentative decision to issue approval is hereby requested to submit written protest within thirty (30) days of the date of publication to Mary Ann Wright, Associate Director of Mining, Division of Oil, Gas and Mining, 1594 West North Temple, Suite 1210, Box 145801, Salt Lake City, Utah 84114-5801, setting forth factual reasons for the complaint and if a hearing is desired. If no responsive written protests are received by the Division within 30 days after the last date of publication, the tentative decision of the Division will be final.

DATED THIS 6th day of July, 2005

STATE OF UTAH
DIVISION OF OIL, GAS AND MINING

A handwritten signature in black ink, appearing to read 'Mary Ann Wright', is written over the printed name and title.

Mary Ann Wright
Associate Director, Mining

CERTIFICATE OF MAILING

I hereby certify that I caused a true and correct copy of the foregoing Notice of Tentative Decision to Approve the Large Mining Notice of Intention for Interstate Brick Company's Allred Mine project, M/049/029 to be sent via facsimile, electronic mail, or mailed by first class mail, postage prepaid, the 6th day of July, 2005 to:

FACSIMILE: 237-2776 and
E-MAIL: naclegal@nacorp.com
Salt Lake Tribune
Advertising Department
116 Regent Street
P.O. Box 45838
Salt Lake City, Utah 84145

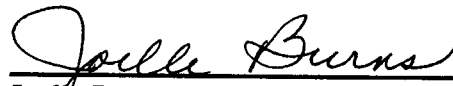
FACSIMILE: (801) 373-5489 and
E-MAIL : dhlegals@heraldextra.com
The Daily Herald
Legal Advertising
1555 North Freedom Boulevard
Provo, Utah 84603

CERTIFIED RETURN RECEIPT
7002 0510 0003 8603 3417
John Hewitt
Interstate Brick Company
9780 South 5200 West
West Jordan, Utah 84088

Buck Rose
Utah County Community Development
100 East Center
Provo, Utah 84601

Glenn Carpenter
Bureau of Land Management
Salt Lake Field Office
2370 South 2300 West
Salt Lake City, Utah 84119

Utah Power & Light Company
1407 West North Temple
Salt Lake City, Utah 84110


Joelle Burns, Secretary